

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF TEXAS  
CORPUS CHRISTI DIVISION

CALVIN HYDER,	§	
	§	
Petitioner,	§	
VS.	§	CIVIL ACTION NO. C-10-118
	§	
BOARD OF PARDONS & PAROLES, <i>et al</i> ,	§	
	§	
Respondents.	§	

**ORDER ADOPTING MEMORANDUM AND RECOMMENDATION**

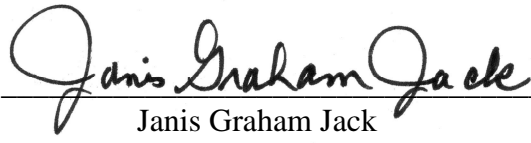
On September 23, 2010, United States Magistrate Judge B. Janice Ellington signed a Memorandum and Recommendation recommending that respondent's motion to dismiss (D.E. 10) be granted; that petitioner's motion for summary judgment (D.E. 11) be denied; and that petitioner's habeas corpus application be dismissed without prejudice as second or successive, or in the alternative, that it be denied on the merits. The Memorandum and Recommendation further recommended that a certificate of appealability be denied. On October 7, 2010, petitioner filed Objections to the Magistrate's Recommendations.

Having reviewed the findings of fact and conclusions of law therein, as well as the pleadings on file and petitioner's objections, and having made a *de novo* disposition of those portions of the Magistrate Judge's recommended disposition to which objections were raised, *see Koetting v. Thompson*, 995 F.2d 37 (5th Cir. 1993), 28 U.S.C. § 636(b)(1)(C); Fed.R.Civ.P.72(b), the Court hereby adopts as its own the findings and conclusions of the Magistrate Judge.

Accordingly, it is ORDERED that: 1) respondent's motion to dismiss is granted; 2) petitioner's motion for summary judgment is denied; 3) petitioner's habeas corpus application is dismissed without prejudice as second or successive; and 4) certificate of appealability is denied.

The clerk shall enter this order and provide a copy to all parties.

SIGNED and ORDERED this 3rd day of December, 2010.

  
\_\_\_\_\_  
Janis Graham Jack  
United States District Judge